

**STATE OF INDIANA – COUNTY OF GIBSON
IN THE GIBSON CIRCUIT AND SUPERIOR COURT**

**NOTICE OF PROPOSED AMENDMENTS TO LOCAL RULES
AND REQUEST FOR SUPREME COURT APPROVAL**

The Judges of the Courts of Record of Gibson County, pursuant to Trial Rule 81(D), find good cause exists to deviate from the schedule established by the Division of State Court Administration for the adoption and amendment of local rules.

In accordance with Trial Rule 81 (B) of the Indiana Rules of Court, the Gibson Circuit and Superior Court hereby give notice to the bar and the public that the Courts propose to amend their Local Rules, effective January 1, 2011. Supreme Court approval is required for the proposed amendments to local rules concerning caseload allocation, special judge assignment in civil cases, and special judge assignment in criminal cases. All new text is shown by underlining and deleted text is shown by ~~striketrough~~.

In accordance with Trial Rule 81(B), the time period for the bar and the public to comment shall begin on September 1, 2010, and shall close on October 1, 2010. Comments by the bar and the public can be made via letter or email to:

Earl G. Penrod
Judge, Gibson Superior Court
101 North Main Street
Princeton, IN 47670-1562
egpenrod@gibsoncounty-in.gov

A paper copy of the proposed amended local rules will be available for viewing in the office of the Clerk of Gibson County, 101 North Main Street, Princeton, Indiana 47670 during normal business hours. Persons with Internet access may view the proposed amended local rules at the following website: <http://www.in.gov/judiciary/gibson>.

SO ORDERED this 31st day of August, 2010.

_____/S/
Jeffrey F. Meade
Judge, Gibson Circuit Court

_____/S/
Earl G. Penrod
Judge, Gibson Superior Court

LR26-TR79-001

In the event a special judge selected under Trial Rule 79, Sections (D) (E) or (F) does not accept the case or a judge disqualifies and recuses under Trial Rule 79(C), the then presiding judge shall appoint a special judge from the following list of presiding judges in the respective courts, with the Circuit Court commencing from the top of the list and proceeding in descending order and the Superior Court commencing at the bottom of the list and proceeding in ascending order:

James M. Redwine	Posey Circuit Court
S. Brent Almon	Posey Superior Court
J. Douglas Knight	Vanderburgh Superior Court
Mary M. (Maggie) Lloyd	Vanderburgh Superior Court
David O. Kelley	Warrick Circuit Court
Keith A. Meier	Warrick Superior Court I
Robert R. Aylsworth	Warrick Superior Court II
Jeffrey Biesterveld	Pike Circuit Court
Sherry L. Biddinger Gregg	Knox Circuit Court
W. Timothy Crowley	Knox Superior 1 Court
Jim R. Osborne	Knox Superior 2 Court

A person selected and appointed to serve under this rule shall accept jurisdiction in the case unless disqualified pursuant to the Code of Judicial Conduct, ineligible for service under Trial Rule 79 or is excused from service by the Indiana Supreme Court.

If the judge selected to serve is disqualified or is excused from service, the then presiding judge shall appoint the next judge on the list. If no judge on the list is eligible to serve as special judge or the particular circumstances in the case so warrant, the then presiding judge in the case shall certify the matter to the Indiana Supreme Court for the appointment of a special judge pursuant to TR79(H)(3).

LR26-CR2.2-002

1. All misdemeanor and felony cases shall be filed in the courts of record in Gibson County on a random basis pursuant to the procedure and subject to the exceptions as set forth in this rule.
2. The Clerk of the courts shall create a series of tokens representing the Circuit Court and a distinguishable but equal number of tokens representing Superior Court. An equal number of tokens shall be placed in an appropriate container. Upon the prosecutor specifically identifying the name of the Defendant against whom charges are being filed, the Clerk shall randomly draw one token and the case shall be docketed in the Court represented by the token drawn. The tokens drawn shall not be placed into the token container until the container becomes empty. At that time, the container shall be refilled and the process repeated.

3. With permission of the judges, the Clerk may replace the token and container process with a computerized random draw so long as the computerized process complies fully with the provisions of this rule.
4. Notwithstanding the requirement of random draw as set forth in paragraph 1, cases in which the most serious count alleges the commission of a misdemeanor or a felony set forth in Title 9 of the Indiana Code, shall be filed and docketed in the Superior Court.
5. In the event the prosecutor files any additional charges against a Defendant against whom charges are pending, these subsequent charges shall be filed and docketed in the court as the original charges.
6. In the event the prosecutor files charges against a Defendant who is on probation at the time the additional charges are filed, these charges shall be docketed in the same court through which the Defendant is serving probation.
7. In the event a special judge is to be selected upon the granting of a motion for change of venue from the judge or an order of disqualification or recusal is entered in the case, a special judge shall be appointed from the following list of presiding judges in the respective courts and Senior Judges, with Circuit Court commencing from the top of the list and proceeding in descending order and Superior Court beginning at the bottom of the list and proceeding in ascending order:

~~James M. Redwine~~

~~S. Brent Almon~~

~~Jeffrey Biesterveld~~

~~David O. Kelley~~

~~Keith A. Meier~~

~~Robert R. Aylsworth~~

~~J. Douglas Knight~~

~~Mary M. (Maggie) Lloyd~~

Donald Hendrickson (Senior Judge)

Edward A. Campbell (Senior Judge)

Posey Circuit Court

Posey Superior Court

Pike Circuit Court

Warrick Circuit Court

Warrick Superior Court I

Warrick Superior Court II

Vanderburgh Superior Court

Vanderburgh Superior Court

Warrick County

Warrick County

8. Pursuant to I.C. §33-29-6-1 and I.C. §33-29-6-2 the judges of the courts reserve the right to transfer cases as they deem appropriate.

LR26-AR1-004

1. On or before April 12 of each year the Judge of the Gibson Circuit Court and the Judge of the Gibson Superior Court shall meet to review the Weighted Caseload Measures statistics as calculated by the Division of State Court Administration for the preceding calendar year. The Court utilization percentage of the two Courts shall be compared and if the utilization percentages are within 25 points of one another, it shall be presumed that no action is necessary to reduce the disparity. If the utilization percentage between the courts differs by more than 40 points in a calendar year or by more than 20 points for two consecutive years, it will be presumed that the disparity must be reduced, unless the judges agree otherwise after discussing and evaluating the various relevant factors.
2. Should action be required to reduce a disparity in caseload, the Judges may agree to accomplish the reduction in any reasonable manner. If the caseload disparity warrants action but the Judges cannot agree on an equalization procedure, the reduction of the disparity shall be accomplished through implementation of a random filing system for civil collection (CC) ~~plenary (CP)~~ cases. Specifically, the Judges shall implement a random assignment system for civil collection (CC) ~~plenary (CP)~~ cases with the court having the lower utilization percentage receiving two cases for every one case received by the Court having the higher utilization percentage. Unless otherwise agreed by the Judges, the random assignment for civil plenary cases shall continue until the end of the calendar year in which it was implemented.
3. As part of the Gibson County Plan for Allocation of Judicial Resources, the Judge of the Gibson Circuit Court and the Judge of the Gibson Superior Court shall be reasonably available for the assignment of cases throughout the administrative district consistent with the comparative utilization levels for the Courts within the district and as provided in the Administrative District 13 Plan for Allocation of Judicial Resources.